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Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures

Further revised working paper submitted by the Russian Federation

Basic conditions and standard criteria for the introduction and implementation of sanctions imposed by the United Nations

I. General issues

1. Sanctions remain an important tool under the Charter of the United Nations in efforts to maintain international peace and security without recourse to the use of force, and sanctions should be carefully targeted in support of clear objectives and are implemented in ways that balance effectiveness to achieve the desired results against the possible adverse consequences, including socio-economic and humanitarian consequences, for populations and third States.

2. The application of sanctions should be resorted to when other relevant peaceful options are inadequate and only when the Security Council determines the existence of a threat to the peace, breach of the peace or act of aggression.

3. Sanctions should be introduced in strict conformity with the provisions of the Charter and the rules of international law and provide for clearly stipulated conditions for lifting them.

4. Sanctions with regard to States and other parties may not be open-ended and should be subject to periodic review with a view to lifting them or not, or to adjusting them, taking into account the humanitarian situation and depending on the fulfilment by the target State and other party of the requirements of the Security Council. Time limits must, as a rule, be established for sanctions regimes; such time limits may be extended only on the decision of the Security Council.

5. Sanctions regimes with regard to individuals should ensure that the selection of such individuals and entities for listing is based on fair and clear procedures, and

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that regular reviews of names on the list are conducted and to ensure, to the degree possible, maximum specificity in identifying individuals and entities to be targeted; and to ensure also that fair and clear procedures for delisting exist early in sanctions regimes.

6. No additional conditions should be imposed for cessation or suspension of sanctions except as a result of newly discovered circumstances and except where explicitly provided for in Security Council decisions.

7. Before the introduction of sanctions, the target State or party must, as a rule, be given unambiguous notice.

8. The overthrowing or changing of the legal authorities in the target State must not be the purpose of sanctions. Given this fact, targeted sanctions are preferable in order to modify the behaviour of the relevant parties and to ensure the implementation of Security Council resolutions.

9. The purpose of sanctions is to modify the behaviour of the target State, party, individual or entity and not to punish or otherwise exact retribution.

II. Unintended side effects of sanctions

10. When the Security Council considers issues relating to sanctions, account must be taken of humanitarian considerations, which are equally pressing in time of peace and in time of armed conflict.

11. Objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions is necessary both at the stage of their preparation and in the course of their implementation. As far as possible, a prior assessment of the consequences of sanctions for the target State and for third States must be made.

12. Following the introduction of sanctions, a mechanism should be established to address special economic problems arising from the application of sanctions in accordance with the Charter and to provide assistance in monitoring their effects for third countries which have suffered or may suffer as a result of their implementation, so that the Security Council and its sanctions committees may receive timely information and early estimates in this respect and, while maintaining the effectiveness of the sanctions regime, may make the necessary corrections or partial changes to its implementation or to the regime itself in order to mitigate the negative impact of the sanctions on third States.

13. As far as possible the situations in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States or in which the civilian population in the target State or third States would experience considerable adverse consequences should be avoided.

14. Humanitarian and other exemptions to all targeted measures, including arms embargoes, travel restrictions, aviation bans and financial sanctions, should be standardized.

15. Sanctions regimes must ensure that appropriate conditions are created for allowing an adequate supply of humanitarian goods to reach the civilian population. Foodstuffs, medicines and medical supplies should be exempted from United Nations sanctions regimes. Basic or standard medical and agricultural equipment

and basic or standard educational items should also be exempted; a list should be drawn up for that purpose. Other essential humanitarian goods should be considered for exemption by the relevant United Nations bodies, including the sanctions committees. In this regard, efforts should be made to allow target States to have access to appropriate resources and procedures for financing humanitarian imports.

16. Unimpeded and non-discriminatory access of the population of target States to humanitarian assistance should be ensured.

17. The principles of neutrality, independence, transparency, impartiality and the impermissibility of any form of discrimination in the provision of humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the population should be observed. A condition of providing such assistance should be the prior clearly expressed consent of the recipient State or a request on its part.

18. The target State should cooperate without any condition to facilitate the equitable and unimpeded distribution of humanitarian assistance.

19. Decisions on sanctions must not create situations in which fundamental human rights would be violated.

20. Sanctions should be suspended in emergency situations and cases of force majeure (natural disasters, threat of famine, mass disturbances resulting in the disorganization of the country's Government) in order to prevent a humanitarian disaster. A decision on this must be taken in each specific case.

21. All information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the target State and on its socio-economic development, should be considered by the Security Council and its sanctions committees, with a view to the modification of the sanctions regime.

III. Implementation

22. Sanctions should be implemented and monitored effectively with clear benchmarks.

23. Monitoring and compliance is first and foremost the responsibility of individual Member States. Member States should endeavour to prevent or correct activities in violation of the sanctions measures within their jurisdiction.

24. International monitoring by the Security Council or by one of its subsidiary organs of compliance with sanctions measures, in accordance with relevant Security Council resolutions, can contribute to the effectiveness of United Nations sanctions. States that may require assistance in the implementation and monitoring of sanctions may seek the assistance of the United Nations or relevant regional organizations.

25. States should be encouraged to cooperate in exchanging information about the legislative, administrative and practical implementation of sanctions.

26. Donors, including States and international and regional organizations with the capacity to do so, should be encouraged to offer appropriate technical and financial assistance to States that need such assistance for implementation of sanctions.